

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1253

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-43-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A person who, by means of fire or explosive, knowingly or intentionally damages:

- (1) a dwelling of another person without ~~his~~ **the other person's** consent;
- (2) property of any person under circumstances that endanger human life; ~~or~~
- (3) property of another person without ~~his~~ **the other person's** consent if the pecuniary loss is at least five thousand dollars (\$5,000); ~~or~~
- (4) a structure used for religious worship without the consent of the owner of the structure;**

commits arson, a Class B felony. However, the offense is a Class A felony if it results in either bodily injury or serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Class B felony. However, the offense is a Class A felony if it results in bodily injury to any other person.

(c) A person who, by means of fire or explosive, knowingly or intentionally damages property of any person with intent to defraud

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commits arson, a Class C felony.

(d) A person who, by means of fire or explosive, knowingly or intentionally damages property of another person without ~~his~~ **the other person's** consent so that the resulting pecuniary loss is at least two hundred fifty dollars (\$250) but less than five thousand dollars (\$5,000) commits arson, a Class D felony.

SECTION 2. IC 35-43-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a Class C felony. However, the offense is:

- (1) a Class B felony if:
 - (A) it is committed while armed with a deadly weapon; or ~~if~~
 - (B) the building or structure is a:
 - (i) dwelling; **or**
 - (ii) **structure used for religious worship;** and
- (2) a Class A felony if it results in: ~~either~~
 - (A) bodily injury; or
 - (B) serious bodily injury;
 to any person other than a defendant.

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